

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

ENRIQUE DIAZ	§	
v.	§	CIVIL ACTION NO. 2:04cv272
JAMES DIXON, ET AL.	§	

MEMORANDUM ADOPTING INITIAL REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

The Plaintiff Enrique Diaz filed this lawsuit complaining of alleged deprivations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

After an evidentiary hearing, the Magistrate Judge ordered the Defendants Captain Dixon and Sgt. Hain to answer the lawsuit. This answer was filed, and on December 22, 2005, Dixon and Hain filed their motion for summary judgment, to which Diaz filed a response.

After review of the motion for summary judgment, the Magistrate Judge issued a Report on February 8, 2006, recommending that the motion be granted as to the claims of denial of access to the law library and legal materials, and denied as to the issues of denial of access to religious services, punishment without due process, and retaliation. Diaz filed objections to this Report on February 27, 2006.

The Court has conducted a careful *de novo* review of the Plaintiff's pleadings, the Report of the Magistrate Judge, and the Plaintiff's objections thereto. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

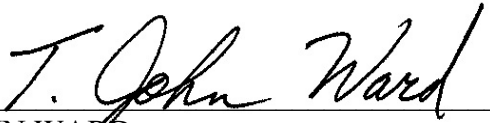
ORDERED that the Report of the Magistrate Judge (docket no. 9) is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the Defendants' motion for summary judgment is GRANTED as to the issues of denial of access to the law library and to legal materials. These claims are hereby DISMISSED with prejudice. It is further

ORDERED that the Defendants' motion for summary judgment is DENIED as to the Plaintiff's claims concerning denial of access to religious services, punishment without due process, and retaliation. It is finally

ORDERED that the Plaintiff's "motion of objections" (docket no. 63), filed February 27, 2006, is DENIED.

SIGNED this 6th day of April, 2006.

  
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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE